

FILED 06 FEB 08 11:55 USDC-ORP

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

UNITED STATES OF AMERICA)

v.)

DAVID VERBOS,
Defendant.)

CR 06-

62 Re

INDICTMENT

18 U.S.C. § 924 (c)

18 U.S.C. § 1951

18 U.S.C. § 2113(a)(d)

THE GRAND JURY CHARGES:

COUNT 1—Interference With Commerce By Robbery

At all times pertinent to this indictment, the Target Store at 25925 SW Heather Place, Wilsonville, in the District of Oregon was one of a national chain of over 1,400 retail stores operating in 47 states, which was engaged in receiving and selling consumer goods and pharmaceuticals, which was commercial activity in, and which affected, interstate commerce.

On November 29, 2005, at the Target Store, 25925 SW Heather Place, Wilsonville, in the District of Oregon, defendant DAVID VERBOS, did unlawfully obstruct, delay and affect interstate commerce, in that defendant DAVID VERBOS did unlawfully take and obtain personal property consisting of approximately 106 Oxycontin tablets, and approximately 358 morphine tablets, with a total value of \$881.96, from the presence of Cheryl XXXXXXXX, a pharmacy

clerk, against her will by means of actual and threatened force, violence and fear of injury to her, to wit: by brandishing a handgun at the said Cheryl XXXXXXXX, and stating "Give me all your oxycontin and morphine" and "MS Oxycontin, the 60 milligram kind;" all in violation of Title 18, United States Code, Section 1951.

COUNT 2–Interference With Commerce By Robbery

At all times pertinent to this indictment, “Check Into Cash,” 2303 Portland Road, Newberg, District of Oregon, was a commercial business, headquartered in Cleveland, Tennessee, and operating in 30 states, which business was operating a short term loan and check cashing business wherein cash advances are extended to citizens by way of pledges and advances on payroll and other checks drawn on financial institutions in Oregon and elsewhere, and therefore did engage in commercial activity that was in, and which affected, interstate commerce.

On December 9, 2005, at the “Check Into Cash” store, in Newberg, District of Oregon, defendant DAVID VERBOS, did unlawfully obstruct, delay and affect interstate commerce, in that defendant DAVID VERBOS did unlawfully take and obtain personal property consisting of \$744 in U.S. currency, from the presence of Jessica XXXX, a clerk and employee of “Check Into Cash,” against her will by means of actual and threatened force, violence and fear of injury to her, to wit: by possessing a handgun and demanding that the said Jessica XXXX provide him with a quantity of U.S. currency, and by stating “Gimme all your money!,” “Start with the big bills,” “Where’s the rest of the money—I know you hide money!” and “If you get on the phone I’ll come back and kill you!” or words to that effect; all in violation of Title 18, United States Code, Section 1951.

COUNT 3–Bank Robbery

On December 13, 2005, at the Mid-Valley Bank, 31840 Charbonneau Drive, Wilsonville, in the District of Oregon, defendant DAVID VERBOS, by force, violence, and intimidation, did take from the person and presence of employees of the Mid-Valley Bank, approximately \$2,187.00 in United States currency belonging to and in the care, custody, control, management, and possession of the Mid-valley Bank, a bank whose deposits were then insured by the Federal Deposit Insurance Corporation, and in committing this offense, the said defendant did put in jeopardy the life of another person by the use of a dangerous weapon or device, to wit: a handgun, by possessing a handgun, and stating “Give me all your money,” “Hurry up!” and “That’s enough!;” all in violation of Title 18, United States Code, Sections 2113(a) & (d).

COUNT 4-Carrying and Using A Firearm In Connection with a Crime of Violence

On December 13, 2005, at the Mid-Valley Bank, 31840 Charbonneau Drive, Wilsonville, in the District of Oregon, defendant DAVID VERBOS, possessed, carried and used a firearm, to wit: a handgun, during and in relation to a crime of violence for which he may be prosecuted in a Court of the United States, to wit: Bank Robbery, all in violation of Title 18 United States Code, Sections 924(c)(1) and 2113(a) & (d).

COUNT 5–Interference With Commerce By Robbery

At all times pertinent to this indictment, the Bi-Mart store, at 1635 SW Baker Street, McMinnville, District of Oregon, was one of 60 retail stores in a chain of retail stores operating in Washington, Oregon, and Montana, which was engaged in receiving and selling consumer goods and pharmaceuticals which was commercial activity that was in, and which affected, interstate commerce.

On or about December 22, 2005, at the Bi-Mart Store, 1635 SW Baker Street, McMinnville, District of Oregon, defendant DAVID VERBOS, did unlawfully obstruct, delay and affect interstate commerce, in that defendant DAVID VERBOS did unlawfully take and obtain personal property consisting of Oxycontin tablets from the presence of David XXXXXXXX, a pharmacy intern, and Patricia XXXXXXXX, a pharmacy clerk and employee of the Bi-Mart Store, against their will by means of actual and threatened force, violence and fear of injury to David XXXXXXXX and Patricia XXXXXXXX, and others, to wit: by nudging and then pushing David XXXXXXXX and demanding pharmaceuticals, by placing his right hand on a firearm and stating “I’ll take out your kidney!” and “Everyone stand still or I’ll shoot you!,” and “Everyone stand still or I’ll shoot you!,” and “Get away, I have a gun!,” and by virtue of such means of actual and threatened force, violence and fear of injury, did take a quantity of oxycontin tablets valued at \$1,298.30; all in violation of Title 18, United States Code, Section 1951.

COUNT 6-Carrying and Using A Firearm In Connection with a Crime of Violence


On December 22, 2005, at the Bi-Mart store, 1635 SW Baker Street, McMinnville, District of Oregon, defendant DAVID VERBOS, possessed, brandished, carried and used a firearm, to wit: a handgun, during and in relation to a crime of violence for which he may be prosecuted in a Court of the United States, to wit: Interference With Commerce By Robbery, all in violation of Title 18 United States Code, Sections 924(c)(1) and 1951.

Dated this 7th day of February, 2006.

A TRUE BILL.


OFFICIATING FOREPERSON

Presented by:


JOHNATHAN S. HAUB
Assistant United States Attorney